

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	
	)	Case No. 320-03559
JAMES WHITFIELD LIVINGSTON	)	Chapter 7
	)	Judge: Harrison
Debtor.	)	

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**NOTICE**

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**THE DEBTOR HAS ASKED THE COURT FOR THE FOLLOWING RELIEF:**

**OBJECTION TO THE CLAIM OF Milessa Thomas (Claim 7-1)**

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: May 26, 2021. IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE SET FOR June 29, 2021, AT 9:00 a.m. NOTE THAT DUE TO COVID-19 PANDEMIC, THIS HEARING WILL BE HEARD OVER THE AT&T TELECONFERENCE LINE — THE CALL-IN NUMBER IS 1-888-363-4749; ACCESS CODE IS 4511038**

**YOUR RIGHTS MAY BE AFFECTED:** If you do not want the Court to grant the attached motion, or if you want the Court to consider your views on the motion, then on or before May 26, 2021, you or your attorney must:

1. File with the Court your written response or objection explaining your position. Said written response or objection must be submitted to the Court as follows:

**By Mail:** U.S. Bankruptcy Court  
P.O. Box 24890  
Nashville, TN 37202-489090

**In Person:** U.S. Bankruptcy Court  
701 Broadway, 1<sup>st</sup> Floor  
Nashville, TN 37203  
(Monday thru Friday, 8:00 a.m. to 4:00 p.m.)

2. **Your response must state the following:**

- a. **The deadline for filing responses is May 26, 2021.**
- b. **The date of the scheduled hearing is June 29, 2021, 9:00 a.m**  
**The motion to which you are responding is:**

OBJECTION TO THE CLAIM OF Milessa Thomas (Claim 7-1)

If you wish to have a stamp-filed copy of your response/objection, you will need to include at least one (1) extra copy of the response/objection and a self-addressed, stamped envelope to the Court.

You must also mail a copy of your response to Counsel for the Debtor(s) at the following address:

Steven L. Lefkovitz, No. 5953  
Attorney for the Debtor(s)  
618 Church ST., #410  
Nashville, TN 37219  
Telephone: (615) 256-8300  
Facsimile: (615) 255-4516  
E-Mail: [slefkovitz@lefkovitz.com](mailto:slefkovitz@lefkovitz.com)

If a timely response/objection is filed, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov). If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take the above steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Steven L. Lefkovitz, No. 5953  
Steven L. Lefkovitz, No. 5953  
Attorney for the Debtor(s)  
618 Church St., #410  
Nashville, TN 37219  
Telephone: (615) 256-8300  
Facsimile: (615) 255-4516  
E-Mail: [slefkovitz@lefkovitz.com](mailto:slefkovitz@lefkovitz.com)

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**OBJECTION TO THE MILESSA THOMAS (CLAIM 7-1)**

**NOW COMES** the Debtor, through counsel, and pursuant to FRBP Rule 3002(c) objects to the claim of Milessa Thomas (Claim 7-1) filed on September 10, 2021 in the amount of \$500,000.00. This claim is contingent, unliquidated, and disputed, and the Debtor asserts that this claim is disputed both as liability and amount. A copy of this claim is attached hereto. There has been no adjudication in any Court proceeding as to the validity of the amount of the claim asserted by this claimant nor as to any liability on the part of the Debtor.

Accordingly, the Debtor prays for an evidentiary hearing before this Court as to the allowable amount of this claim, should the Court determine liability on the part of the Debtor. This case appears to be an asset case; therefore, the Debtor has standing to raise this objection to claim.

Respectfully submitted,

/s/ Steven L. Lefkovitz, No. 5953  
Steven L. Lefkovitz, No. 5953  
Attorneys for the Debtor  
618 Church St., #410  
Nashville, TN 37219  
(615) 256-8300 fax (615) 255-4516  
E-Mail: [slefkovitz@lefkovitz.com](mailto:slefkovitz@lefkovitz.com)

VERIFICATION

I hereby certify under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
James Whitfield Livingston

**CERTIFICATE OF SERVICE**

I hereby certify that I have sent a true and exact copy of the foregoing to Timothy Niarhos, Assistant U.S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203; to Robert H. Waldschmidt, Chapter 7 Trustee, 5115 Maryland Way, Suite 213, P.O. Box 2828 Brentwood, TN 37024-2828; Milessa Thomas, 404 Westview Dr. Franklin, KY 42134; Milessa Thomas, c/o Christopher Boiano, 11 Shivel Drive, Hendersonville, TN 37075; Cassie Burton, c/o Sherwood Litigation, 201 4<sup>th</sup> Ave S, Suite 1130, Nashville, TN 37219; Cassie Burton 3833 Saunders Ave., Nashville, TN 37216 and to Matthew Murphy, 1222 16<sup>th</sup> Avenue S, Suite 301, Nashville, TN 37212; by CM/ECF and U.S. Mail, postage pre-paid, on this the 26th day of April, 2021.

/s/ Steven L. Lefkovitz, No. 5953  
Steven L. Lefkovitz

PROPOSED ORDER

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	
	)	Case No. 320-03559
JAMES WHITFIELD LIVINGSTON	)	Chapter 7
	)	Judge: Harrison
Debtor.	)	

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**ORDER GRANTING OBJECTION TO THE CLAIM OF MILESSA THOMAS (Claim 7-  
1)**

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Upon the Debtor's Objection to Claims and Notice thereon, having been filed with this Court and served upon all effected creditors and parties-in-interest; there having been no written responses to said Objection filed with the Clerk of Court within thirty (30) days of Notice, pursuant to LBR 9013-1; and, upon the entire record herein, the Court finds that said Objection is well taken, and **It is hereby ORDERED** that the claim of Milessa Thomas (Claim 7-1) is hereby disallowed in its entirety.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED AT THE TOP OF THE FIRST PAGE
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APPROVED FOR ENTRY:

/s/ Steven L. Lefkovitz. No. 5953  
Steven L. Lefkovitz  
Attorney for Debtor  
618 Church Street, Suite 410  
Nashville, Tennessee 37219  
(615) 256-8300 fax (615) 255-4516  
email: slefkovitz@lefkovitz.com

**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, a true and correct copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served via regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ Steven L. Lefkowitz  
STEVEN L. LEFKOVITZ